

**The Department of Community Planning & Development**  
**City Hall, Lynchburg, VA 24504** **434-455-3900**

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**To:** Planning Commission

**From:** Planning Division

**Date:** May 10, 2006

**Re:** **REZONING: R-2, Low-Medium Density Residential District, to R-4C, Medium-High Density Residential District (Conditional), for three and eighty-seven hundredths (3.87) acres of property at 2009 Lakeside Drive, also known as Valuation Numbers 228-09-001 and 229-03-002.**

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**I. PETITIONER**

DSZ Properties, LLC, 3717 Old Forest Road, Lynchburg, VA 24501

**Representative:** D. Scott Zechini, DSZ Properties, LLC, 3717 Old Forest Road, Lynchburg, VA 24501

**II. LOCATION**

The subject properties include a tract of about two and seventy-nine hundredths (2.79) acres and a tract of about one and eight hundredths (1.08) acres, respectively. The total three and eighty seven hundredths (3.87) acres are located at 2009 Lakeside Drive, also known as Valuation Numbers 228-09-001 and 229-03-002.

**Property Owner:** Fred & Alice Clements, 837 VES Road, Lynchburg, VA 24503

**III. PURPOSE**

The purpose of this petition is to allow construction of thirty-six (36) townhouses (for sale) with associated parking.

**IV. SUMMARY**

- Petition agrees with the Comprehensive Plan which recommends Medium Density Residential land use in this area.
- Petition agrees with the Zoning Ordinance in that townhouses are allowed in an R-4, Medium-High Density Multi-Family Residential.
- Petition proposes the construction of a thirty-six (36) unit townhouse complex with associated parking.

**The Planning Division recommends approval of the rezoning petition.**

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**V. FINDINGS OF FACT**

1. **Comprehensive Plan.** The Lynchburg *Comprehensive Plan* recommends both an Office use and a Medium Density Residential use in this area. Office uses are intended for small-scale office buildings with floor plans not exceeding twenty thousand (20,000) square feet and buildings not exceeding four stories. Medium Density Residential uses are characterized by small-lot single family detached housing, duplexes and townhouses at densities up to twelve (12) units per acre. The project will have a density of approximately ten and seventy-five hundredths (10.75) units per acre.

The Future Land Use Map [FLUM] is not intended to be parcel specific. The FLUM also indicates Low Density Residential, High Density Residential, Neighborhood Commercial and

Institutional Uses in the immediate area. Given existing zoning and adjacent land use patterns, the proposed townhouses are suitable for the property.

2. **Zoning.** The subject property was annexed into the City in 1976. The existing R-2, Low-Medium Density Single Family Residential zoning was established in 1978 with the adoption of the *Zoning Ordinance*.
3. **Board of Zoning Appeals (BZA).** On April 25<sup>th</sup>, 2006, the Board of Zoning Appeals granted the reduction of the fifty foot (50) perimeter setback to twenty-five (25) feet. The Board approved the variance five to zero (5-0) with the stipulation that a six foot tall chain link fence be erected along the property line.
4. **Proffers.** The petitioner voluntarily submitted the following proffer(s) with the rezoning application:
  - 1) The subject property shall be developed as townhouses as shown on the rezoning plan, received by the Planning Division on April 28, 2006.
  - 2) A vegetative evergreen buffer and chain link fence between the development and the adjacent Lynchburg College property shall be provided.
  - 3) The petitioner will use the sewer line route shown on the rezoning plan, received by the Planning Division on April 28, 2006.
  - 4) The petitioner shall use bio-filters for water quality if sufficient room exists on the site for their installation; otherwise, stormwater quality will be addressed through a combination of above ground best management practices and mechanical stormwater filters subject to the approval of the City's Environmental Planner.
5. **Surrounding Area.** There have been several items requiring City Council approval in the immediate area:
  - 9/8/1998: City Council approved Otis and Jean Brent's petition to rezone approximately one and two tenths (1.2) acres at 2108 Lakeside Drive from B-5C, General Business District (Conditional), to B-5C, General Business District (Conditional), to amend a previously approved proffer to allow the use of an existing building for office and retail use.
  - 7/8/1997: City Council approved The Salvation Army's petition to rezone approximately one and one tenth (1.1) acres at 2108 Lakeside Drive from I-2, Light Industrial District, to B-5C, General Business District (Conditional), to allow construction and use of a thrift store.
  - 5/14/1996: City Council approved Robert Kerr's petition to rezone approximately seventy-five hundredths (0.75) of an acre from I-2, Light Industrial District, to B-5C, General Business District (Conditional), to allow construction of a building for auto parts sales and commercial uses.
  - 6/11/1991: City Council approved James Mitchel's petition to rezone approximately one and six tenths (1.6) acres at 2022 Lakeside Drive from B-5C, General Business District (Conditional), to B-5C, General Business District (Conditional), to amend a previously approved proffer to allow general equipment rental, sales, service and outside storage.
  - 11/8/1988: City Council approved Farris and Iseman's CUP petition for the expansion of a mobile home park at 2134 Lakeside Drive.
  - 4/12/1988: City Council approved Don Gay's petition to rezone approximately two tenths (0.2) of an acre at 2018 Lakeside Drive from B-3, Community Business District, to B-5C,

General Business District (Conditional), to allow the operation of an automobile sales and rental business in an existing structure.

- 10/14/1986: City Council approved Lynchburg College's CUP petition to construct three athletic practice fields, a parking area, restrooms and a storage facility at 1701 Lakeside Drive.
  - 6/10/1986: City Council approved Knight Gallery LTD's CUP petition to construct a building and parking lot addition at 2034 Lakeside Drive.
6. **Site Description.** The subject property is bounded to the north by single-family homes, to the east by Lynchburg College, and to the south and west by a combination of commercial properties and multi-family apartment units.
7. **Proposed Use of Property.** The purpose of the rezoning is to allow construction of a thirty-six (36) unit townhouse complex with associated parking. Building materials for the single-family attached homes will be vinyl and brick; each unit will be three stories (see attached photo) and have a front loaded garage. In addition, the petitioner will add landscaping at the entrance to the site, shade trees within the parking area and foundation plantings around the new units. Sidewalks are provided to all common areas.

The petitioner proposes to provide an evergreen buffer and chain link fence between the development and the adjacent Lynchburg College property. Also at the request of the college, the developer has agreed to a different route for extending the proposed sewer line to the property. The alternate route is shown on the proposed rezoning plan and will limit the removal of trees on the adjacent property.

8. **Traffic and Parking.** The City's Traffic Engineer noted that the project produces less than the minimal number of trips for a traffic study; therefore, a study is not needed. He did request that a note be placed on the plan stating that the sight obstructions (trees, shrubs, etc.) will be removed at the connection with the driveway and Lakeside Drive. The statement was added to the plan as note number eighteen (18).

Parking requirements for the proposed development are set at two and a half (2.5) spaces per unit by the City's Zoning Ordinance; the proposed thirty-five (36) townhouses require ninety (90) parking spaces. The site plan indicates that the site will have thirty-six (36) parking spaces available within each unit's garage, thirty-six (36) parking spaces (outside of the required front yard setback) on each individual unit's driveway and twenty-two (22) parking spaces in the parking lot. A total of ninety-four (94) spaces will be provided for the townhouses, thus meeting the requirement of City Code.

9. **Storm Water Management.** New impervious areas will exceed one thousand (1,000) square feet; as such, a stormwater management plan will be required for the construction. The increase in post-development runoff conditions due to the new impervious area will be managed through the use of an above-ground stormwater detention facility. The pond will be located outside of the limits of the one hundred (100) year floodplain at the rear of the site. A preliminary drainage review indicates that the receiving channel is adequate for the site's stormwater from the proposed pond.

Lynchburg College requested that the petitioner consider the use of bio-filters like the college used on some of the projects on their campus to minimize the environmental impacts to College Lake. The petitioner has agreed to try to use the bio-filters if enough room exists on the site for their installation; otherwise, stormwater quality will be addressed through a combination of

vegetated swales and mechanical stormwater filters. The proposed development will ultimately be held to the same water quality standards as Lynchburg College, and all other developments within the City.

10. **Emergency Services.** The City's Fire Marshal required that an emergency vehicle turn-around be provided for the proposed townhouse development. Two such turn-arounds are shown on the rezoning plan and the features are acceptable to the Fire Marshal.

The City Police Department had no comments on the proposed townhouse development.

11. **Impact.** The development of the thirty-six (36) unit townhouse complex, including the associated parking, will have limited impacts on the surrounding neighborhoods. The design and layout of the buildings are acceptable to the Planning Division.

The petitioner has met with Lynchburg College and agreed to install a six foot tall chain link fence adjacent to the college property; an evergreen buffer will also be planted along the fence line. Also, at the request of the college, the developer has agreed to a different route for extending the proposed sewer line to the property. The alternative route is shown on the proposed rezoning plan and will limit the removal of trees on the adjacent property.

New impervious areas will exceed one thousand (1,000) square feet; as such, a stormwater management plan will be required for the construction. The increase in post-development runoff conditions due to the new impervious area will be managed through the use of an above-ground stormwater detention facility. The petitioner will not encroach on the limits of the one hundred (100) year floodplain with construction of the facility.

Lynchburg College also requested that the petitioner consider the use of bio-filters to minimize the environmental impacts to College Lake as it uses on some of the projects on their campus. The petitioner has agreed to try to use the bio-filters if enough room exists on the site for their installation. The bio-filters would allow for easier overall maintenance of the stormwater quality features. If sufficient area does not exist to allow for the bio-filters, stormwater quality will be addressed through a combination of vegetated swales and mechanical stormwater filters. The proposed development will ultimately be held to the same water quality standards as all developments within the City of Lynchburg.

11. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the preliminary site plan on April 18, 2006. Comments related to the proposed use were minor in nature and have or will be addressed by the developer prior to final site plan approval.

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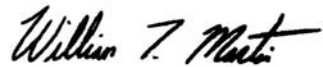
## VI. PLANNING DIVISION RECOMMENDATION

**That the Planning Commission waives the twenty-one (21) day submittal requirements for proffers.**

**Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of DSZ Properties LLC's petition to rezone approximately three and eighty-seven hundredths (3.87) acres of property at 2009 Lakeside Drive, also known as Valuation Numbers 228-09-001 and 229-03-002, from R-2, Low-Medium Density Single-Family Residential District, to R-4, Medium-High Density Multi-Family**

**Residential District, to allow for the construction of a thirty-six (36) unit townhouse complex and associated parking.**

This matter is respectfully offered for your consideration.



William T. Martin, AICP  
City Planner

pc: Mr. L. Kimball Payne, III, City Manager  
Mr. Walter C. Erwin, City Attorney  
Mr. J. Lee Newland, Director of Engineering  
Capt. Michael L. Thomas, Fire Marshal  
Lt. Danny R. Marks, Lynchburg Police Department Field Operations Bureau  
Capt. Todd Swisher, Lynchburg Police Department North Division  
Capt. J.P. Stokes, Lynchburg Police Department East Division  
Capt. Al Thomas, Lynchburg Police Department South Division  
Mr. Gerry L. Harter, Traffic Engineer  
Mr. Robert Drane, Building Commissioner  
Mr. Keith Wright, Zoning Official  
Mr. Robert S. Fowler, Zoning Administrator  
Mrs. Erin B. Hawkins, Environmental Planner  
Mr. D. Scott Zechini, DSZ Properties, LLC  
Mr. Mike Nichols, Hurt & Proffitt, Inc.

**VII. ATTACHMENTS**

- 1. Vicinity Zoning Pattern**  
(see attached map)
- 2. Vicinity Proposed Land Use**  
(see attached map)
- 3. Site Plan**  
(see attached site plans)
- 4. Project Narrative and Photo**  
(see attached narrative)
- 5. Proffers**  
(see attached)
- 6. Letter from Lynchburg College**  
(see attached)